

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BRIAN BURKE,

Plaintiff,

-against-

NEW YORK CITY TRANSIT AUTHORITY,

Defendant.
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NOTICE OF MOTION

Docket No. 15 CV 1481
(ENV)(LB)

PLEASE TAKE NOTICE that, upon the annexed declaration of Daniel Chiu, dated April 24, 2015, and upon all the prior proceedings had herein, defendant, by its attorney, Lewis S. Finkelman, Vice-President and General Counsel, will move this Court before the Honorable Eric N. Vitaliano, United States District Judge for the United States District Court for the Eastern District of New York, at the United States District Court, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, for an order pursuant to Rule 12 of the Federal Rules of Civil Procedure dismissing the Complaint against defendant and for such other and further relief as to this Court seems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's Amended Scheduling Order, answering papers shall be served on or before July 20, 2015.

Dated: Brooklyn, New York
June 5, 2015

LEWIS S. FINKELMAN
Vice-President and General Counsel
NEW YORK CITY TRANSIT AUTHORITY
Attorney for Defendant
130 Livingston Street, Room 1209
Brooklyn, New York 11201
718-694-3686

By: 

Daniel Chiu

To: BRIAN BURKE, *pro se*
145 East 23rd Street, Apt. 4R
New York, New York 10010
646-434-8513

CERTIFICATION OF SERVICE

I, Daniel Chiu, hereby certify that:

On June 5, 2015, I served the annexed Notice of Motion by depositing a true and correct copy, into the custody of United States Postal Service, in an enclosed envelope with sufficient postage for first-class mail addressed to:

BRIAN BURKE, *pro se*
145 East 23rd Street, Apt. 4R
New York, New York 10010

I certify under penalty of perjury that the foregoing is true and correct.

Dated: Brooklyn, New York
June 5, 2015

A handwritten signature in cursive script, appearing to read 'D. Chiu', is written above a horizontal line.

Daniel Chiu